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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,832	09/17/2003	Peter Hochmuth	30621 USPTO No.	4881
30621	7590	08/12/2005	EXAMINER	
JENSEN + PUNTIGAM, P.S. SUITE 1020 2033 6TH AVE SEATTLE, WA 98121			MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/664,832	HOCHMUTH, PETER	
	Examiner	Art Unit	
	Katherine Moran	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 3,15-17,19,20 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2, 3, 10-12 are objected to because of the following informalities: claim 2, line 6: delete "preferably", claim 3, line 1: delete "region" and replace with --regions--, or delete "are" in line 2 and replace with --is--, claims 10-12, line 2: delete "a" and insert --an--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-6, 9-13, 18, 21-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (U.S. 666,853). Morgan discloses the invention as claimed. Morgan teaches a glove which could be used by goal keepers, the glove includes a flat inner hand part A, which substantially covers at least the inner side of a hand, at least one flat outer hand part C which at least substantially covers the outside of the hand, wherein the inner hand part is of one-piece, and the inner hand part has a thumb area B which encloses the thumb, as well as pre-finger areas a,a' and palm area. The thumb area possesses an inner thumb area and outer thumb area, which are connected as a single piece by means of a transition area b', and at a tip region associated with the tip of the thumb, as well as at least one adjacent edge region

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associated with a longitudinal side b2 of the thumb, the thumb areas connected by stitching along an outer side which is remote from the index finger part of the inner hand part. The inner and outer hand parts are stitched together along their edges by means of at least one separate strip piece a5 therebetween. The inner hand part exhibits a recess between the index finger area and thumb area as shown in Figure 3. With regard to claim 29, the inner hand part is formed from flexible material (leather).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Staihar et al. (Staihar, U.S. 6,654,964). Morgan discloses the invention substantially as claimed. However, Morgan doesn't teach that the inner hand part consists of latex material. Morgan also doesn't teach an outer hand part including a reinforcement which is overlaid and designed as a flat piece and is slightly smaller than the outer hand part and exhibits a greater rigidity than the outer hand part. Staihar teaches an athletic glove 100 with an inner hand part 300 formed from latex material (col. 5, lines 11-16). The latex material is lightweight and shock absorbing and also provides a frictional surface that allows for improved gripping. The glove includes a reinforcement 202 which is overlaid and designed as a flat piece which is slightly

smaller than the outer hand part and exhibits a greater rigidity than the outer hand part (Figures 11 and 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form Morgan's inner part from a latex material as taught by Staihar, so that the inner hand part is provided with a lightweight, shock-absorbing gripping surface. It also would have been obvious to provide a reinforcement to the outer hand part so that the glove maintains a relatively flat configuration conducive to use as a catching tool.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Cheek (U.S. 5,528,772). Morgan discloses the invention substantially as claimed. However, Morgan doesn't teach an inner hand part consisting of a material based on synthetic rubber. Cheek teaches a glove with an inner hand part 11 consisting of synthetic rubber. Synthetic rubber is known as having shock absorbing and cushioning properties, but does not inhibit the dexterity of the user's hand and fingers. Therefore, it would have been obvious to provide Morgan's glove with the inner hand part consisting of a material based on synthetic rubber so that the primary gripping area of the glove is provided with improved cushioning and shock absorbing properties.

Allowable Subject Matter

7. Claims 3, 15-17, 19, 20, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record on the attached PTO-892, and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

August 9, 2005



Katherine Moran

Primary Examiner, AU 3765